

# EXHIBIT 11

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

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\_\_\_\_\_  
In Re FLINT WATER CASES ) Civil Action No.  
 ) 5:16-CV-10444-JEL-MKM  
 ) (Consolidated)  
 )  
 ) Hon. Judith E. Levy  
 ) Mag. Mona K. Majzoub  
 )  
 )  
 )  
Elnora Carthan, et al., )  
Plaintiffs, )  
 ) Civil Action No.  
-vs- ) 5:16-CV-10444-JEL-MKM  
Governor Rick Snyder, )  
et al, )  
Defendants. )  
\_\_\_\_\_

HIGHLY CONFIDENTIAL  
VIDEOTAPED DEPOSITION OF STEPHEN BUSCH - VOL. 2  
Friday, January 10, 2020  
at 9:12 a.m.

Taken at: Foster Swift Collins & Smith, PC  
313 South Washington Square  
Lansing, Michigan 48933

REPORTED BY: LAURA STEENBERGH, CRR, RMR, RDR, CSR-3707

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<p>1           MR. BARBIERI: Objection, foundation.</p> <p>2           THE WITNESS: I did not talk to Mr. Prysby</p> <p>3           about making that statement prior to his discussion with</p> <p>4           Mr. Fonger.</p> <p>5   BY MR. PITTS:</p> <p>6   Q. Okay. I assume when you read this you must have had</p> <p>7           some concern as to whether or not this was an honest and</p> <p>8           fair assessment of what was going on at the General</p> <p>9           Motors facility, correct?</p> <p>10          MS. JACKSON: Objection, form.</p> <p>11          THE WITNESS: As Mr. Prysby states, we're</p> <p>12           talking about chlorides, and he is indicating from a</p> <p>13           public health standpoint, and as I indicated yesterday,</p> <p>14           that chlorides is a secondary contaminant dealing with</p> <p>15           the aesthetics of the water. And in the case of the</p> <p>16           water being produced by the city of Flint water</p> <p>17           treatment plant utilizing the Flint River, chlorides</p> <p>18           were significantly below the aesthetic MCL that had been</p> <p>19           established by EPA.</p> <p>20   BY MR. PITTS:</p> <p>21   Q. Well, I'm focusing on this language issue here that Mr.</p> <p>22           Prysby was telling you as his boss that he had asked Mr.</p> <p>23           Fonger not to use the word corrosive.</p> <p>24          MS. JACKSON: Objection, mischaracterizes the</p>	<p>1           Q. Have you spoken to her from time to time when Governor</p> <p>2           Snyder was the governor?</p> <p>3           A. A couple of times at least.</p> <p>4           Q. And what kind of conversations did you have with Ms.</p> <p>5           Brader?</p> <p>6           A. Ms. Brader had, following the Boil Water Advisory memo</p> <p>7           that had been sent, briefing memo that had been sent to</p> <p>8           Governor Snyder, there was a request that came back to</p> <p>9           the DEQ for a meeting with DEQ staff and Ms. Brader that</p> <p>10           she had some follow-up questions in regards to some of</p> <p>11           that material. And so there was a meeting in October of</p> <p>12           2014 that occurred, and there were discussions regarding</p> <p>13           Total Coliform Rule requirements and total coliform</p> <p>14           bacteria and there was discussion regarding the total</p> <p>15           trihalomethanes and the concerns regarding the levels</p> <p>16           that had occurred in the -- that the city had been</p> <p>17           provided a letter back in September in regards to that</p> <p>18           matter.</p> <p>19          Q. So the meeting that you described that you remember, was</p> <p>20           it around this time of this e-mail, this October 14th,</p> <p>21           2014 e-mail?</p> <p>22          A. It would have been around that time. I don't know</p> <p>23           whether it would have been before or after this e-mail</p> <p>24           occurred.</p>
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<p>1           statement.</p> <p>2           MR. BARBIERI: Shared.</p> <p>3   BY MR. PITTS:</p> <p>4   Q. Did you agree that that was appropriate for Mr. Prysby</p> <p>5           to suggest to Mr. Fonger that the word corrosive would</p> <p>6           be inappropriate?</p> <p>7          MS. JACKSON: Same objection.</p> <p>8          THE WITNESS: I believe there needed to be</p> <p>9           distinctions between the impact of chlorides in the city</p> <p>10           of Flint's water to GM in its industrial production,</p> <p>11           versus indicating it as having, you know, impact as the</p> <p>12           chloride as corrosive in regards to public health, as we</p> <p>13           stated before, because those chlorides are not specific</p> <p>14           to public health, but an aesthetic contaminant.</p> <p>15   BY MR. PITTS:</p> <p>16   Q. After you received this e-mail from Mr. Prysby did you</p> <p>17           ask him to correct anything?</p> <p>18   A. I do not believe so, but I don't know that I recall if</p> <p>19           there was follow-up regarding this afterwards or not.</p> <p>20   Q. Well, let's go to the next entry, which is October 14,</p> <p>21           2014.</p> <p>22          And do you know Valerie Brader. Do you know</p> <p>23           who she is?</p> <p>24   A. Yes.</p>	<p>1           Q. Okay. Do you remember Ms. Brader raising the concern</p> <p>2           that the public was alarmed by the fact that GM was</p> <p>3           rejecting the Flint River because it was -- it viewed</p> <p>4           the water as inappropriate for its manufacturing?</p> <p>5           A. I believe there may have been a discussion about</p> <p>6           chlorides and explaining the secondary MCL and the</p> <p>7           aesthetics and the standard.</p> <p>8           Q. In this e-mail Brader is suggesting that the city ought</p> <p>9           to return to the Detroit water.</p> <p>10           Do you remember that being raised in</p> <p>11           discussions with you?</p> <p>12           A. I recall the discussion that we had was about like the</p> <p>13           physical feasibility of how the city of Flint would, the</p> <p>14           process that you would go to through -- or you would go</p> <p>15           through to reconnect to DWSD.</p> <p>16           Q. Okay. So you're saying that as early as October of</p> <p>17           2014, which would have been about six months after the</p> <p>18           Flint River became the primary drinking source, the</p> <p>19           governor's office, his representatives are discussing</p> <p>20           with you from MDEQ the feasibility of going back to</p> <p>21           Detroit water, is that correct?</p> <p>22           A. Whether, you know, how the physical interconnections</p> <p>23           would work and the process for doing that, yes.</p> <p>24           Q. Okay. Who else from MDEQ was present at this meeting</p>

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<p style="text-align: center;">Page 326</p> <p>1       that you're describing for us?</p> <p>2   A. My recollection was Michael Prysby, and Dan Wyant, and 3       there may have been others, I just do not recall at this 4       time.</p> <p>5   Q. And who else was present from the governor's office that 6       you recall?</p> <p>7   A. My recollection is just Ms. Brader.</p> <p>8   Q. Okay. Was she suggesting that the executive branch and 9       the governor's people wanted to go back to the Detroit 10      water to solve some of the consumer complaint issues 11      that had emerged?</p> <p>12       MS. BETTENHAUSEN: Object to form.</p> <p>13       THE WITNESS: I don't recall if that was what 14       was discussed.</p> <p>15   BY MR. PITTS:</p> <p>16   Q. But your recollection is that it was more of a 17       feasibility, what would be mechanics of the reconnecting 18       and how would that work?</p> <p>19   A. Yes, there had been a pipeline.</p> <p>20   Q. Right.</p> <p>21   A. A section of pipeline that was used previously, I 22       believe, that had been purchased by Karegnondi Water 23       Authority.</p> <p>24   Q. Yeah.</p>	<p style="text-align: center;">Page 328</p> <p>1   Q. -- to the Detroit water system in October of 2014, 2       correct?</p> <p>3   A. Yes.</p> <p>4       MS. JACKSON: Objection, lack of foundation.</p> <p>5   BY MR. PITTS:</p> <p>6   Q. I think at one point in the timeline I read that the 7       city of Detroit was going to waive its normal 8       reconnection fee.</p> <p>9       Do you remember that occurring?</p> <p>10       THE WITNESS: That may have been discussed. I 11       wouldn't recall when or where that would have occurred.</p> <p>12   BY MR. PITTS:</p> <p>13   Q. Did Ms. Brader in this meeting with you and your 14       colleagues say why the governor's office was interested 15       in reconnecting with the Detroit water system?</p> <p>16   A. I don't recall that. I just recall the discussion 17       trying to confirm that they had the physical ability to 18       connect to Detroit if it needed to.</p> <p>19   Q. Okay.</p> <p>20   A. Or wanted to.</p> <p>21   Q. And you don't know why Ms. Brader was even asking your 22       opinion as to how the reconnection could occur?</p> <p>23   A. Well, I don't think she understood and she just wanted 24       us to provide that explanation.</p>
<p style="text-align: center;">Page 327</p> <p>1   A. And there were some provisions that had already been set 2       up in case of the need to reconnect.</p> <p>3   Q. Right. So the city of Flint actually sold that section 4       of pipeline to Karegnondi for about \$4 million.</p> <p>5       Do you remember that occurring?</p> <p>6   A. Yes.</p> <p>7   Q. Okay. And so now the pipeline that would be necessary 8       to reconnect with the city of Detroit water was now 9       owned by Karegnondi?</p> <p>10       MS. JACKSON: Objection, lack of foundation.</p> <p>11   BY MR. PITTS:</p> <p>12   Q. Right?</p> <p>13   A. At a certain time.</p> <p>14   Q. Right. And then --</p> <p>15   A. I don't remember the exact date of sale and all that.</p> <p>16   Q. So if there was going to be a reconnection with the 17       Detroit water system, Karegnondi would have to be 18       involved in those discussions?</p> <p>19   A. Well, there had already been a procedure developed to 20       allow that to occur.</p> <p>21   Q. And in your opinion and the opinion of your MDEQ 22       colleagues it was feasible to reconnect --</p> <p>23       MS. JACKSON: Objection.</p> <p>24   BY MR. PITTS:</p>	<p style="text-align: center;">Page 329</p> <p>1   Q. Was it your impression that the reason this meeting took 2       place was because of some of the problems that had 3       emerged as a result of the switch over to the river 4       water as a primary drinking source for Flint?</p> <p>5   A. Certainly in regards to the Boil Water -- the total 6       coliform detections and the Boil Water Advisories that 7       occurred. I don't know whether Ms. Brader was or was 8       not aware of like the TTHM levels and the actions that 9       we had taken in regards to that at that time.</p> <p>10   Q. Let me turn your attention to the bottom part of this 11       page, Exhibit 200. And this is an e-mail from Michael 12       Gadola, who's now Judge Gadola.</p> <p>13       Have you read this before?</p> <p>14   A. I may have read this after the -- after 2016.</p> <p>15   Q. Okay. So he said: 16       "To anyone who grew up in Flint, as I did, the 17       notion that I would be getting my drinking water from 18       the Flint River is downright scary. Too bad the 19       emergency manager didn't ask me what I thought." And he 20       goes on and talks about his mother, et cetera.</p> <p>21       You know, he described the thought of drinking 22       water out of the Flint River as scary. Did you think he 23       was like exaggerating? What was your impression when 24       you read that?</p>

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1 CERTIFICATE OF NOTARY	1 - - - - - 2 E R R A T A 3 - - - - -
2 STATE OF MICHIGAN ) 3 ) SS 4 COUNTY OF MACOMB ) 5 6	4 PAGE LINE CHANGE 5 _____ 6 REASON: _____ 7 _____ 8 REASON: _____ 9 _____ 10 REASON: _____ 11 _____ 12 REASON: _____ 13 _____ 14 REASON: _____ 15 _____ 16 REASON: _____ 17 _____ 18 REASON: _____ 19 _____ 20 REASON: _____ 21 _____ 22 REASON: _____ 23 _____ 24 REASON: _____
20 21 LAURA J. STEENBERGH 22 CSR 3707 Notary Public, 23 Macomb County, Michigan 24 My Commission expires: 2/14/21	Page 539
1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition 4 over carefully and make any necessary 5 corrections. You should state the reason 6 in the appropriate space on the errata 7 sheet for any corrections that are made. 8 After doing so, please sign 9 the errata sheet and date it. 10 You are signing same subject 11 to the changes you have noted on the 12 errata sheet, which will be attached to 13 your deposition. 14 It is imperative that you 15 return the original errata sheet to the 16 deposing attorney within thirty (30) days 17 of receipt of the deposition transcript 18 by you. If you fail to do so, the 19 deposition transcript may be deemed to be 20 accurate and may be used in court.	1 2 ACKNOWLEDGMENT OF DEPONENT 3 4 I, _____, do 5 hereby certify that I have read the 6 foregoing pages, and that the same is 7 a correct transcription of the answers 8 given by me to the questions therein 9 propounded, except for the corrections or 10 changes in form or substance, if any, 11 noted in the attached Errata Sheet. 12 13 14 15 STEPHEN BUSCH DATE 16 17 18 Subscribed and sworn 19 to before me this 20 _____ day of _____, 20 _____. 21 My commission expires: _____ 22 23 24 Notary Public

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